

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON M. LUDKE,
also known as MUHAMMAD ABDUN NAASIR,

Plaintiff,

v.

TODD NEHLS, *et al.*,

Defendants.

ORDER

13-cv-543-wmc

Plaintiff Jason Ludke, also known as Muhammad Abdun Naasir, is a state inmate incarcerated in the Wisconsin Department of Corrections at the Green Bay Correctional Institution. Plaintiff has filed a proposed civil action under 42 U.S.C. § 1983, concerning the conditions of his confinement at the Dodge County Detention Facility. The pleadings are deficient, which means this case cannot proceed, for two reasons.

First, plaintiff has neither paid the filing fee nor requested leave to proceed *in forma pauperis*. With the exception of habeas corpus proceedings, the fee for civil actions filed after May 1, 2013 is \$400 unless a litigant qualifies as indigent under the federal *in forma pauperis* statute, 28 U.S.C. § 1915, in which case the fee is \$350. For this case to proceed, plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed *in forma pauperis* no later than August 27, 2013.

Assuming that plaintiff wishes to proceed *in forma pauperis*, he must comply with the Prison Litigation Reform Act (the “PLRA”), 28 U.S.C. § 1915(a)(2), by submitting a certified copy of his inmate trust account statement for the six-month period preceding the date of his complaint. Once plaintiff has provided the necessary statement, the court will

calculate and assess an initial partial filing fee payment according to a formula described in 28 U.S.C. § 1915(b)(1). Plaintiff must pay the initial partial filing fee for his case to proceed and he must thereafter pay the remainder of the filing fee in monthly increments. *See* 28 U.S.C. § 1915(b)(2).

Second, plaintiff has not filed his complaint on a form approved for use by state prisoners seeking relief under 42 U.S.C. § 1983. Regardless of whether he pays the filing fee or any portion thereof, the PLRA requires the court to review every complaint in a civil action in which a prisoner seeks redress from a governmental entity, officer or employee to determine if the complaint is (1) frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A. So that the court can screen his complaint as required, he must submit his claims on the approved form. In that form, plaintiff must set out a short and plain statement of the facts underlying his claim for relief. *See* Fed. R. Civ. P. 8(a). He must also identify by name in the caption of that complaint all of the persons he intends to sue. He must take care, however, to join together only those defendants and claims for relief arising from the same transaction or occurrence. *See* Fed. R. Civ. P. 18, 20.

Once plaintiff has complied with this order, the court will screen the plaintiff's complaint using the approved form together with the original, handwritten version filed previously in this case. To assist plaintiff, the clerk's office will provide along with this order an approved form for use by state prisoners filing a civil rights lawsuit. Similar forms are also available at the prison law library.

ORDER

IT IS ORDERED that:

- (1) No later than August 27, 2013, plaintiff Jason M. Ludke must submit a complaint on the form provided by the clerk's office or similar form from the prison law library.
- (2) Plaintiff's complaint must be accompanied by the filing fee (\$400) or a request for leave to proceed *in forma pauperis* that includes a certified copy of his trust fund account statement for the period beginning approximately January 29, 2013 and ending approximately July 29, 2013.
- (3) **Plaintiff is advised that, if he fails to comply as directed or show cause of his failure to do so, the court will assume that he does not wish to proceed and this case will be dismissed without further notice pursuant to Fed. R. Civ. P. 41(a).**

Entered this 5th day of August, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge